

Remarks

The Applicant notes with appreciation the acknowledgment of the Applicant's claim of priority.

The Applicant acknowledges the rejection of Claims 1 – 4, 7 – 9 and 11 under 35 U.S.C. §103 over Hedgcoth hypothetically combined with Ittah. The Applicant has amended Claim 1 to include the subject matter of Claim 5 and has further specified that the payment card is an “electronic” payment card. Support for the “electronic” payment card may be found in paragraph [0051], which refers to the payment card being in “an electronic format.” Claim 5 has also been cancelled.

The Applicant respectfully submits that the rejection as it applies to Claims 1 – 4 is moot.

Claims 6, 7 and 11 have been amended similarly to Claim 1. Therefore, the Applicant respectfully submits that the rejection as it applies to Claims 7 – 9 and 11 is also moot.

The Applicant acknowledges the rejection of Claim 10 under 35 U.S.C. §103 over the hypothetical combination of Leonard, Hedgcoth and Ittah. In view of the amendment to Claim 7, from which Claim 10 depends, the Applicant respectfully submits that this rejection is moot. Withdrawal of the rejection is respectfully requested.

The Applicant acknowledges the rejection of Claims 12 and 13 under 35 U.S.C. §103 over the hypothetical combination of D'Agostino with Hedgcoth and Ittah. Inasmuch as Claims 12 and 13 depend from Claim 11, which has been amended to include the subject matter of Claim 5, the Applicant respectfully submits that this rejection is also now moot. Confirmation of withdrawal is respectfully requested.

The sole remaining rejections lies with the rejection of Claims 5 and 6 under 35 U.S.C. §103 over the hypothetical combination of Leonard with Hedgcoth and Ittah. The Applicant

respectfully submits that the hypothetical combination fails to disclose, teach or suggest the invention as recited in the claims containing the subject matter of Claims 5 and 6. In that regard, Leonard discloses a bank form in which the money amount is in numerical form, in written form and represented by a row and column form. However, no mechanism for the choice/designation of the type of currency of payment is disclosed by Leonard. Thus, the Applicant respectfully submits that Leonard utterly fails to disclose, teach or suggest a series of boxes for designation of the type of currency of payment as recited in the claims.

Hedgcoth also fails to teach, disclose or suggest that claimed subject matter. Hedgcoth discloses a series of boxes to make a PIN code and has nothing to do with selecting a money amount. Moreover, the financial instrument of Hedgcoth, i.e., a check, discloses that the money amount is written in letter form. Thus, even if one of ordinary skill in the art were to hypothetically combine Leonard with Hedgcoth, there would still be an utter failure to disclose, teach or suggest a series of boxes for designation of the type of currency of payment.

Finally, Ittah discloses a prepaid card. The prepaid card can be reused several times, so long as there are still unused amounts of money on the card. Thus, even if one of ordinary skill in the art were to make the hypothetical combination of Ittah with either or both of Hedgcoth and Leonard, the result would still fail to disclose, teach or suggest a series of boxes for designation of the type of currency of payment.

Although the Official Action indicates that Leonard discloses a “payment card designating the type of currency of payment and the series of boxes corresponding to base units, tens, hundreds, thousands, tens of thousands, tenth and hundredths,” especially as recited in the Abstract at lines 1 – 5 and Fig. 1, reference No. 40, there is, in fact, no series of boxes for designating the type of currency of payment. What Leonard does disclose is a series of boxes

corresponding to the numerical base units, but all of those series of boxes are designated for a single type of currency, namely dollars. What Leonard lacks relative to the solicited claims is an additional series of boxes that designate the type of currency of payment. In sharp contrast, Leonard is limited to a single currency, while the electronic payment card of the invention is not. It has a series of boxes to designate a selected choice of currency of payment. There is utterly no suggestion in Leonard concerning a series of boxes to designate the type of currency. Leonard simply states that there is a single type of currency, namely dollars, and there is not even a single box present to designate that fact. It is a given that the designation is dollars and there is not only not a choice of currency, but no series of boxes to designate that type. As a consequence, hypothetically applying Leonard to either or both of Hedgcoth and Ittah still fails to teach or suggest the invention as recited in the solicited claims. Withdrawal of the rejection based on Leonard, Hedgcoth and Ittah is respectfully requested.

In light of the foregoing, the Applicant respectfully submits that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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